IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

Crl.MC.No. 1993 of 2007()

CC.1540/2003 of JUDL.MAGISTRATE OF FIRST CLASS-I, ERNAKULAM

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PETITIONER: ACCUSED

TESSY JOSEPH, AGED 46 YEARS,
W/O LATE K.A.JOSEPH, MANAGING PARTNER,
GEM TECH INDUSTRIES, XL/115, DOORAISWAMY IYER
ROAD, ERNAKULAM, KOCHI-35.

BY ADV. SRI.P.K.JOSE
SMT.TESSY JOSE

RESPONDENTS: COMPLAINANT

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1. P.G.GOPINATH, 'USHUS',
SOUTH KALAMASSERY, KOCHIN UNIVERSITY P.O.,
KOCHI-682022.

2. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 21/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.1993 of 2007

Dated this the 21st day of June 2007

O R D E R

The petitioner faces indictment in a prosecution under Section 138 of the Negotiable Instruments Act. Consequent to non-appearance of the petitioner, the petitioner finds a warrant of arrest issued by the learned Magistrate chasing her. The petitioner is willing to surrender before the learned Magistrate but apprehends that her application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. She, therefore, prays that directions under Section 482 Cr.P.C. may be issued to the learned Magistrate to release the petitioner on bail when she appears and applies for bail.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate, the circumstances under which she could not earlier appear before the learned Magistrate.

3. I find absolutely no reason to assume that the learned Magistrate would not consider the application for bail to be filed by the petitioner on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific directions appear to be necessary. Sufficient general directions have been issued in Alice George vs. Deputy Superintendent of Police [2003(1)KLT 339].

4. In the result, this Crl.M.C is dismissed but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself unless there are compelling reasons.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007